



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Thursday, October 16, 2014 at 3:00 p.m.
PLACE:	Cannon Building, Second-Floor Conference Room A 861 Silver Lake Boulevard, Dover, DE 19904
APPROVED:	December 18, 2014

MEMBERS PRESENT

John Lenz, DDS, Professional Member, President
Brian McAllister, DMD, Professional Member, Secretary
Thomas A. Mercer, DDS, Professional Member
Lucinda Bunting, DMD, Professional Member
Sharon Welsh, DDS, Professional Member
Carol Argo, RDH, Professional Hygiene Member
Nathaniel Gibbs, Public Member
June Ewing, Public Member
Debra Bruhl, RDH, Hygiene Advisory Member
Mary Trinkle, RDH, Hygiene Advisory Member
Buffy Parker, RDH, Hygiene Advisory Member

MEMBERS ABSENT

None

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Flora Peer, Administrative Specialist II
Amanda McAtee, Administrative Specialist II
Jennifer Singh, Deputy Attorney General

PUBLIC PRESENT

Rozi Diane Berberian
Donald L. Gouge Jr.
Keith Nguyen
Shane Plumley

CALL TO ORDER

Dr. Lenz called the meeting to order at 3:05p.m.

REVIEW AND APPROVAL OF MEETING MINUTES

The Board reviewed the minutes of the August 21, 2014 Board meeting. Dr. Bunting made a motion, seconded by Ms. Argo, to approve the minutes as presented. By unanimous vote, the motion carried.

The Board reviewed the minutes of the August 28, 2014 Appeal Hearing for Lauren Biliski. Dr. McAllister made a motion, seconded by Ms. Argo, to ratify the approved minutes as presented. By unanimous vote, the motion carried.

UNFINISHED BUSINESS

DELIBERATION AND VOTE ON PROPOSED CHANGES TO REGULATION 6.0

Ms. Singh stated that at there being no public comment that the Board can now vote on passing the new regulation for reciprocity. Ms. Singh summarized the proposed changes to the regulations for the Board. Dr. McAllister made a motion seconded by Dr. Bunting to approve the changes as written. By unanimous vote, motion carried.

BILL REGARDING QUALIFICATIONS OF LICENSURE FOR DENTAL HYGIENISTS LICENSED IN OTHER JURISDICTIONS

Ms. Singh provided the Board with the proposed amendment to § 1124. Ms. Singh stated that the amendment included the Boards request of the requirement that dental hygienists graduate from a CODA approved school. § 1124(3) would state that for licensure as a dental hygienist, has graduated from a dental hygiene college or university program accredited by the Commission on Dental Accreditation of the American Dental Association of at least 2 academic years' duration. Ms. Parker stated that the amended requirement should be noted in § 1124(b) which currently states An applicant for licensure as a dental hygienist, who shall have practiced for a minimum of 3 of the last 5 years in the state in which the applicant currently is or has been licensed, may be licensed provided that the applicant meets the qualifications of paragraphs (a)(1), (2), and (5) of this section, except for the completion of the practical examination. Ms. Singh stated that she would update the proposed amendment with the addition of (3) in paragraph § 1124(b). Dr. McAllister made a motion, seconded Ms. Parker, to approve the proposed amendment with the addition of (3) in paragraph § 1124(b). The motion carried by majority with Dr. Lenz opposed

CHANGES TO STATUTE REGARDING PENDING CRIMINAL CHARGES AS A BASIS TO DENY

Ms. Singh stated that § 1122(4) states that pending charges and pending complaints in other jurisdictions will prevent an applicant from obtaining licensure in Delaware. A frivolous complaint could take years to resolve. The Board discussed changes to §1122(4). Dr. Mercer stated he felt that the change was not in the best interest of the public there for did not agree with the changes to §1122. Dr. Mercer questioned what would happen if they were not proven innocent and how the Division would be notified. Ms. McAtee stated that the Division receives reports from the National Investigations Database and will be informed about the outcome of charges. Ms. Singh added that, if the licensee was proven guilty, that the Board could then implement reciprocal punishment, revoke the license or probation. Ms. Singh stated if a complaint was egregious, the state where the complaint originated could grant an emergency suspension. The Division would be notified and a license would not be granted. After discussion, Dr. McAllister made a motion, seconded by Dr. Bruhl, to approve §1122 as proposed. The motion carried by majority, with Dr. Mercer opposed.

NEW BUSINESS

ELECTION OF OFFICERS

Dr. Lenz asked for nominations for the Board President and Secretary. Dr. Bunting made a motion seconded by Mr. Gibbs, to nominate Dr. McAllister for Board President. By unanimous vote the motion carried. Dr. Bunting made a motion, seconded by Dr. McAllister, to nominate Dr. Mercer for Board Secretary. By unanimous vote, the motion carried.

REVIEW DIRECTOR MEMO CONCERNING 2015 LEGISLATIVE SESSION

Delegation of Board Members as Point of Contact for Proposed Legislation

Dr. Lenz summarized the memo for the Board. Dr. Lenz stated that the memo requested a point of contact for proposed legislation. Dr. McAllister and Dr. Mercer volunteered to be points of contact for the Board.

ACADEMIC LICENSURE

Board Approved Proof from Applicant of Board Certified or Board Eligible Status

Ms. McAtee questioned if the Board would accept a certificate from the applicant or if it should come directly from the certifying Board. Dr. McAllister stated that proof from an applicant would be sufficient. In the event that proof from an applicant becomes a problem, the Board would discuss what else would be acceptable.

RATIFICATION OF LICENSES/PERMITS ISSUED BY DPR SINCE LAST BOARD MEETING

Dentists

Dr. Bunting made a motion, seconded by Ms. Argo, to ratify the dental license of:
Jill Laurie Garrido. By unanimous vote, the motion carried.

Dental Hygienists

Dr. Bunting made a motion, seconded by Ms. Argo, to ratify the dental hygiene license of:
Queenie Beth Tecson. By unanimous vote, the motion carried.

Restricted Permit I – None

Restricted Permit II

Dr. Bunting made a motion, seconded by Ms. Argo, to ratify the restricted permit II license of
Marissa A. Schnelle. By unanimous vote, the motion carried.

Unrestricted Permit

Dr. Bunting made a motion, seconded by Ms. Argo, to ratify the unrestricted permit license of
Steven Andrew Fontana. By unanimous vote, the motion carried.

Dentist Limited Resident

Academic License - None

Review of Applications for Licensure

Linda Jubiril-Taylor (FQHC Provisional License)

Dr. Lenz reviewed the application of Linda Jubiril-Taylor for the Board. Dr. Bunting made a motion, seconded by Ms. Argo, to approve Linda Jubiril-Taylor's application for licensure. By unanimous vote, the motion carried.

Nwaneka Nwokolo(FQHC Provisional License)

Dr. Lenz reviewed the application of Nwaneka Nwokolo for the Board. Dr. Bunting made a motion, seconded by Ms. Argo, to approve Nwaneka Nwokolo application for licensure. By unanimous vote, the motion carried.

REVIEW OF HEARING OFFICER RECOMMENDATIONS

Keith T. Nguyen, DMD

Ms. Singh provided the Board with an overview of the hearing officer recommendation process. Ms. Singh stated that Dr. Nguyen and his attorney, Mr. Gouge, attended the meeting to address the Board. Mr. Gouge introduced himself as Dr. Nguyen's attorney. Mr. Gouge stated he and Dr. Nguyen do not dispute the facts found by the hearing officer. Dr. Nguyen has put procedures in place to prevent this event from happening again. Mr. Gouge and Dr. Nguyen felt the hearing officer's recommendations were fair. Dr. Lenz asked if there were any comments. Ms. Singh stated that reports would be filed and discipline would be posted for the public. Dr. McAllister made motion, seconded by Dr. Lenz to approve the hearing officer's recommendations. The motion carried by majority with one abstained and one opposed.

DISCUSSION OF APPEAL PANEL HEARING

Lauren Biliski

Dr. McAllister stated that the Board had no voice during the proceeding. That administratively the Board could not explain scoring calibration. The appeal panel asked Ms. Biliski to show where she could have gained points rather than dispute the score she was given. Ms. Singh stated, based on what Ms. Biliski explained, the appeal panel could not change her score. Ms. Singh asked for investigation into appeals and informal appeals. Ms. Singh stated that the Board could set forth regulations regarding the appeals for the exam and requested the discussion be added to the December agenda.

Dr. Lenz stated that after the appeal hearing there were some concerns. The Board discussed the scoring process. Dr. Welsh proposed pass fail for exam scores with results sent through the mail instead of reporting the scores in public. Dr. Bunting questioned if the Board could have scoring in an executive session. Ms. Singh stated that there is nothing in the statute that requires that the scores need to be announced during the meeting. Ms. Singh stated that they will still have the right to request their scores and appeal their scores. Dr. McAllister stated that it should be notified in the exam packet that it will not be announced in the meeting. Ms. McAtee informed the Board that if the decision was made at the next Board meeting that it would not apply to January exam.

CONTINUING EDUCATION APPROVAL

John B. Fontana, III, DMD, MS, Periodontal Diagnosis, Prognosis and Treatment Planning: Back to the Basics

Dr. McAllister summarized the course "*Periodontal Diagnosis, Prognosis and Treatment Planning: Back to the Basics*" Dr. Fontana requested one continuing education credit. Dr. McAllister made a motion, seconded by Dr. Mercer to approve "*Periodontal Diagnosis, Prognosis and Treatment Planning: Back to the Basics*" for one continuing education credit. By unanimous vote, the motion carried.

COMPLAINT UPDATES

New Complaints

09-15-14

Dismissed by the Division of Professional Regulation

09-19-13

09-26-13

09-12-14

Forwarded to the Office of the Attorney General

09-13-14

DISCIPLINE AND COMPLIANCE

Marieve O. Rodriguez, D.M.D. – Compliance Update and Request to Lift Probation

Dr. Lenz reviewed the audit of Dr. Rodriguez for the Board. Dr. Lenz stated that this was the second of five audits required by the consent agreement for Dr. Rodriguez. After review, Dr. Lenz stated that Naamas Company confirmed that their representative met with Dr. Rodriguez. Dr. Lenz stated that in her letter Dr. Rodriguez requested her probation be lifted. Ms. McAtee stated that she had spoken to Dr. Rodriguez about the request, and how Dr. Rodriguez interpreted the last order (i) on the consent agreement. Ms. Singh stated that Dr. Rodriguez felt that, since she was complying, she could request that probation be lifted. Ms. Singh stated that paragraph (i) of the consent agreement was in reference to when the order would be satisfied. Dr. McAllister made a motion, seconded by Dr. Mercer, to uphold consent agreement. By unanimous vote, the motion carried.

CORRESPONDENCE

Neil Woloshin, DMD– Report of Adverse Occurrence and Follow up Report

Dr. Lenz stated that there was an adverse occurrence and that it has been received by the Board.

Hammond Knox DDS – Audit Correspondence

Ms. McAtee stated that Dr. Knox is requesting more time to complete CPE credits. Dr. Knox stated in his letter that he had attached documents but no documents were attached.

The Board asked that a letter would be sent to Dr. Knox to ask the reason for his request for extension and how many credits he currently has. Also, to inform Dr. Knox that under FIOA the Board may go into executive session to review his documents.

Dr. McAllister questioned if the Board could make a change to offer a Retired or inactive status. The Board requested that the discussion of retired or inactive status be added to the next agenda.

REVIEW OF AUDITS

Forwarded to the Hearing Officer for Non-Compliance

Teresa Gerle Erb

Erica J. Fannin

~~Carol B. Jackson~~

Tara L. Seramone

Kristie M. Thompson

Christina Lynn Harrison*

John J. Thaler DDS*

Ms. McAtee stated that the above licensees are not compliant with the audit. After review, licensees that are not compliant with the audit will be notified.

OTHER BUSINESS BEFORE THE BOARD

2015 Meeting Dates and Exam Dates

Ms. Peer provided the Board with the 2015 meeting and exam dates. There were a few errors that needed to be corrected and an April meeting needed to be added.

If a new Board member is appointed, the Board will meet for exam calibration. The Board scheduled calibration on December 12, 2014, 9am at Dr. Bunting's office.

Dr. McAllister questioned the application on dental fluoride by physicians. Dr. McAllister stated that there may be implications to quality of care and patient misunderstanding. The Board discussed the application of fluoride by physicians. Ms. Singh stated that it is within the scope of medical practice. Dr. McAllister requested that the discussion Quality of Care /Physicians Providing Dental Fluoride be added to the next agenda.

PUBLIC COMMENT

There was no public comment.

NEXT MEETING

The next meeting will be December 18, 2014 at 3:00 p.m. in Conference Room A located on the second floor of the Cannon building at 861 Silver Lake Boulevard, Dover, DE.

ADJOURNMENT

There being no further business to discuss, Ms. Ewing made a motion, seconded by Ms. Parker, to adjourn the meeting at 5:40 p.m. By unanimous vote, the motion to adjourn carried.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Flora Peer', with a stylized, cursive script.

Flora Peer
Administrative Assistant II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.